

HyNet_9 Aug_ISH3_PT1

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FULL TRANSCRIPT (with timecode)

00:00:04:27 - 00:00:37:15

So good morning and welcome to Crystal. It's now 10:00 and 930, I should say. And the time for this meeting of the high net carbon dioxide pipeline National infrastructure Project to begin, I'd like to welcome you all to this issue specific hearing, which is the third one we've held in regard to this project. Um, it will be a stacked hearing regarding both the environmental hearing of rental matters and the proposed draft development consent order. And the hearing is now open with all the examining authority introduce itself.

00:00:37:17 - 00:00:45:13

I'd like to deal with a few primary matters. This would be a good time to switch off mobile phones or turn them to silent, please, if you have been switched on.

00:00:48:02 - 00:01:03:25

Um, can the case team confirm that you can hear me? And meeting. Recording in a live stream in the event of started. Thank you. Can everyone in the room hear what I'm saying? And online? Is anybody having sound issues online? If so, can you put your camera on?

00:01:06:12 - 00:01:19:15

I'm getting no indication. So I'm assuming everybody can hear me. Thank you. No requests have been made for any special measures or arrangements to enable participation in today's hearing. Just like to confirm that. Is there anybody with any special requirements?

00:01:22:06 - 00:01:53:25

Getting no indication in the room or online. So, again, I'm going to move on. There's no fire alarm tests or drills scheduled for today. So if you hear a fire alarm is a real thing and we need to leave if we are leaving. There are several options, but I'll show you or explain to you the two main ones. You leave through the fire door here to my left. You go through the fire exit, which you'll come on to straight away. That leads out onto a roof with a stair on the left.

00:01:53:27 - 00:02:27:05

You go down the stair and you congregate in the front at the front of the hotel. It brings you out at the front of the hotel on this side of the road. So it's on the opposite side of the road to the front of the hotel. The alternative is back through the doors to your right. If you're sitting there, that leads you out into another conference room. You go through that conference room and then you turn left out onto the fire escape again. It takes you out onto a roof. You turn left that time and that takes you down to a stairwell, which again brings you out down into the road.

00:02:27:07 - 00:03:06:12

At the front of the hotel, you congregate in the same place in front of the hotel, on the opposite side of the road to the hotel entrance. Um, if you do congregate, you do have to congregate there. Can you just make sure your congregation is safe and you're not in the road? Um, you know, you're in a safe place. Toilet facilities. Toilet facilities are located out of these doors. The ladies is to the left. As soon as you go out and you'll see it straight there. As soon as you go out, the gentleman's, if you need it,

you go out into the room, into the center of the room, opposite in the far left corner, there's a set of doors.

00:03:06:14 - 00:03:29:20

You go through there and the gentlemen's is on your left as you go through those doors, right onto introductions. My name is Christopher Butler. I was appointed on the 17th of January 2023 under Section 65 Planning Act 2008, and a delegation from the Secretary of State has lead panel member to examine this application. I'm a chartered member of the Royal Travel Planning Institute and have academic.

00:03:34:29 - 00:04:05:05

Okay. So thank you. We're now back online. Um, apologies. I understand that the cameras froze and there was a need to reboot the system. That's been done. We're back live on live streaming and on teams. My understanding is that the cameras froze during the explanation about toilet facilities as people online don't need to know where they are in the hotel. I'm going to proceed to introductions.

00:04:06:01 - 00:04:35:07

So, again, my name is Christopher Butler was appointed on the 17th of January 2023 under Section 65 of the Planning Act. Um, under delegation from the Secretary of State as lead panel member to examine this application. I'm a chartered member of the Royal Town Planning Institute and have academic qualifications in town and country planning. I've made a declaration of interest responding to the planning inspectorate's conflict of interest policy and can confirm that I have no declared interest in relation to this appointment. I'm now going to ask my fellow panel member to introduce himself, please.

00:04:36:12 - 00:05:07:24

Good morning. My name is Matthew Shrigley and I was also appointed on the 17th January 2023 as a panel member to examine this application under Section 65 of the Planning Act 2008, as amended, and a delegation from the Secretary of State. I'm a town planner and a full chartered member of the Royal Town Planning Institute. I've made a declaration of interests responding to the planning inspectorate's conflict of interest policy and can confirm I have no declared interest in relation to this appointment.

00:05:09:11 - 00:05:46:27

So together, that makes us the examining priority for this application. We will be reporting to the Secretary of State for Energy security and net zero with a recommendation as to whether or not the development consent orders should be made. Also present today are members of the Planning Inspectorate's case team working with Mr. Shrigley and Eye on this National Infrastructure Problem project. At this event, we have Jake Stevens, who is the case manager responsible for this national infrastructure project. He is leading the national the veterans case team here today on this national infrastructure application.

00:05:47:08 - 00:06:27:09

Additionally, we have Janice and Jennifer Savage, who work for the Planning Inspectorate operation Group two, who are providing the online support for virtual aspects of this blended event. Technicians from CBS are here in attendance solely for the purpose of managing the audio and visual services, including the recording and the live streaming of this meeting. In addition, a translator from Simon, translation or translation, is attending for the purpose of translation from Welsh to English, and would also like to add that other colleagues of the Planning Inspectorate may join the issue specific area as observers as part of the Planning Inspectorate commitment to continuing professional development.

00:06:27:24 - 00:07:07:14

If you have any questions or concerns about today's events, please could you speak to Mr. Stevens on the case team? Or if you're joining virtually a member of the virtual case team, please. Um, that's,

that's it from our end in regard to introductions. So moving on to attendees today. Firstly, wanted to acknowledge and welcome all those who are attending today, including those watching the live stream. Thank you for joining us. I'd like to start with the introductions from attendees and when read out the name or all of the members of that team present should please introduce yourselves one by one, following with an followed by introduction of the virtual attendees that are with us today.

00:07:07:16 - 00:07:37:20

So I'm looking for a running order of the applicants team Cheshire West and Chester Council Flintshire County Council. Um. Nikki Crosbie if she's here. Um. Sarah Woods from Eversheds Sutherland International LLP on behalf of Serc. Just so people aware the Environment Agency have indicated they are not attending today. Natural Resources Wales again have indicated they are not attending today.

00:07:37:22 - 00:08:05:14

We've had no indication from natural England. The Woodlands Trust, National Highways, Canal and River Trust, the Welsh Government, Scottish Power Energy Networks or Peel Holdings. So as to whether or not they're intending to come along. Um, I'll also ask other interested parties who may be in the room present if they wish to speak, to introduce themselves as well. But that will be at the end of the introductions generally. So can we start with the applicants team, please?

00:08:07:15 - 00:08:09:22

Good morning, sir. My name is Paula Majidi and

00:08:11:15 - 00:08:15:23

we are the lawyers advising the applicant and will introduce themselves.

00:08:17:11 - 00:08:21:17

Julian Boswell, partner of Burgess Salmon LLP, advising the applicant.

00:08:24:10 - 00:08:28:07

John Chapman, Principal hydrogeologist, working on behalf of the applicant.

00:08:30:28 - 00:08:32:17

Dr. Helena Park. Okay.

00:08:36:08 - 00:08:42:07

Dr. Helen Parsons for the applicant and technical director. Fluvial Morphology and Water Framework Director.

00:08:44:12 - 00:08:50:02

David Chaston, Associate Director of the Manchester Ecology Team, working on behalf of the applicant.

00:08:52:15 - 00:08:55:26

Excellent engineering design manager on behalf of the applicant.

00:08:57:29 - 00:09:05:11

I know you've got a large case team behind you. Is there any likelihood that you're going to need to invite any of them to join in?

00:09:07:08 - 00:09:12:22

Paul McCartney for the applicant potentially. So James Glass, one of the engineers, might be assisting us later.

00:09:12:24 - 00:09:24:16

Okay, fine. If that is the case, then I'll ask them to introduce themselves at that point, if that's possible, Please. Can I ask Chester, Cheshire West and Chester Council, please, to introduce themselves?

00:09:25:02 - 00:09:37:23

Good morning, sir. Michelle Spark and partner Bob Nurse. And I'm the legal representative for Cheshire West and Chester Council, and I will ask each of my clients to introduce themselves, starting with state police.

00:09:40:24 - 00:09:41:12

Yeah. Good morning.

00:09:41:14 - 00:09:44:21

I'm Steven Holmes, a principal planning officer at Cheshire East Council.

00:09:47:19 - 00:09:48:13

Hello. Good morning.

00:09:48:18 - 00:09:51:08

Ben Greenwood Senior Planning Officer, Cheshire West Council.

00:09:52:23 - 00:09:53:20

Thank you very much.

00:09:54:16 - 00:09:58:14

Laura Hughes, biodiversity officer for the Council. Thank you.

00:09:59:17 - 00:10:00:19

Good morning, gentlemen.

00:10:01:00 - 00:10:03:05

And Chester Network Commissioner.

00:10:04:04 - 00:10:04:23

Thank you.

00:10:07:01 - 00:10:10:12

Can I get Flintshire County Council to introduce themselves, please?

00:10:11:03 - 00:10:11:27

Good morning.

00:10:12:00 - 00:10:15:12

Susan Corder from Flintshire County Council. I'm solicitor with

00:10:17:03 - 00:10:20:11

the other people attending on behalf of Flintshire are going to introduce themselves.

00:10:22:05 - 00:10:29:24

Maureen Hanna, Parish planning Manager for the County Council. And we've got a couple of attendees online who will introduce themselves now. Thank you.

00:10:31:27 - 00:10:37:17

Hello? Yes. Senior Planning officer with Flintshire County Council. My name is Charlie Pope.

00:10:40:03 - 00:10:40:23

Thank you.

00:10:43:14 - 00:10:47:17

Hello. Amanda Davis, ecologist for Flintshire.

00:10:51:08 - 00:10:52:08

Thank you very much.

00:10:54:00 - 00:10:59:19

Everybody from Flintshire. Yep. Yes. Thank you. All right. So.

00:11:02:06 - 00:11:04:12

Is Nicki Cosby. Cosby here?

00:11:06:13 - 00:11:37:10

Either online or in the room? No. Okay. Thank you. I'm going to move on then. Sarah Woods, Eversheds Sutherland, are you online? I don't see your name, so. I'm assuming not. I'm going to move on again. Are there any other interested parties present either in the room or joining virtually who wish to speak during this hearing? Can you put your hands up if you're in your room and you wish to speak? If not, I'll move on to people online. There's nobody in the room indicating so people are online.

00:11:37:12 - 00:11:39:11

If you just put your camera on if you wanted to speak.

00:11:42:09 - 00:11:47:14

And of getting no indication of people online wanting to speak either. Okay. In that case, I'm going to move on.

00:11:51:22 - 00:11:53:00

Have I missed anybody?

00:11:55:02 - 00:12:42:05

No, nobody's indicating in terms of procedures for running this meeting. I just need to go through a few a few matters that need to be pointed out. Um, firstly, I want to talk about language. Um, this national infrastructure project is a cross-border development affecting both Wales and England, and as such, we aim to make this meeting and the examination is open, as inclusive as possible. We have translation facilities available at this meeting and they will be available at all subsequent hearings in terms of persons being at this event in person, if you wish to address the examining authority and Welsh translator is available here and we'll translate from Welsh to English for those persons attending in person wishing to listen to the translation.

00:12:42:12 - 00:13:21:09

If it's needed in English, all you'll need to do is to switch on the headphones that have been provided and you listen through them. You can adjust the sound on them as well. You wear the strap or the band under your chin instead of over the top of your head if you need to use them. Um. Don't know why. That's what I'm advised. So, um, for those attending virtually, you will have seen from the joining instructions that there was a choice of channels in relation to the teams meeting one channel

accommodate those wishing to speak in English, um, and the other channels related to those wish to speak in Welsh and participate in Welsh.

00:13:21:22 - 00:13:29:27

Um, and you can hear the translation from, from the Welsh into the English Channel effectively.

00:13:32:00 - 00:14:04:15

Joint instructions also advised those wishing to take part by telephone. That simultaneous translation is all available. Also available for those wishing to take part using that method. Should you experience any issues with regard to translation if they're required, I would ask you to speak to the case team in the first instance and they will endeavor to resolve any issues you have. You'll also need you will also see that all the documents issued by us are being published in both Welsh and English, and this will continue to carry out throughout the examination. Mr. Stevens, our case manager here today, also speaks Welsh.

00:14:04:19 - 00:14:35:21

If somebody needs to speak to the case team in Welsh, um, the rest of us on the panel will endeavour to pronounce name places and names correctly. But I do apologize in advance for any mistakes that we do make. Please feel free to point them out if and when we do make them and will endeavour to correct it for the next time we make reference to those particular places or names. We welcome contributions in both English and Welsh, and I would ask anyone participating here today, both in the room and virtually whether they will be participating in in Welsh.

00:14:35:24 - 00:14:45:14

Can anybody indicate if they want to speak in Welsh? And then you put you online if you put your camera on. I'm getting no indication, so I'm going to move on.

00:14:47:17 - 00:15:17:20

Thank you for that. Of course, if there is anybody else or if anybody changes their mind and wishes to speak to address this meeting in Welsh, that's not an issue at all. We just needed to check initially so that we would be prepared should we need to, to use the the headphones. And it means that we would reduce the delay as well, potentially when we're changing to English and English to Welsh. This is a blended event and just need to acknowledge that format.

00:15:17:22 - 00:15:54:04

So what we mean by blended events, it allows attendance both in person, in in the hotel and virtually through Microsoft teams. Both blended and fully virtual events are part of the planning Inspectorate's future operating model and will continue. And the Examiner authority are attending the meeting here today from Chester, as are several members of the attendees. For those watching virtually, please be rest assured that you will have our full attention at all times, even if we are not looking directly at the camera to avoid visual noise distractions.

00:15:54:06 - 00:16:37:14

Please could you keep your your cameras off and your microphone off unless you're actually invited to speak For those taking part today, especially those watching the live streaming or listening to the digital recording, you might find it of assistance to have a copy of the agenda digital or printed in front of you. It's available on the Documents library accessed via the project page of the Proposal on the National Infrastructure website and the document reference number is dash 027. If for any medical or other reasons anyone requires a break specific time, could you please let the case team know and we will hopefully be able to adjust the programme to meet any needs that you may have in terms of timings.

00:16:37:29 - 00:16:41:05

We will be aiming to take a break at approximately 11:00.

00:16:42:22 - 00:17:13:17

A lunch break at about 12:45 and afternoon break about 3:15 if that's needed. And we'll aim to finish at around five, 530 if possible. But we'll keep this review under review as we go through today's meeting. The business is that's listed on the agenda and. Once that is done, and we will be concluding this particular hearing. Although there is a lot on the agenda to get through.

00:17:15:00 - 00:17:53:21

These timings are approximate if you are joining or for a particular agenda item, we recommend that you keep in touch with the case team who can tell you what session we are running ahead or and whether we're running ahead or behind the schedule for a virtual attendees. If you decide to leave the meeting during the breaks, you can rejoin using the same link provided in the email invitation you received. If you're watching via the live stream, then you will need to refresh your browser to resume each subsequent session. Um. Please note that the chat function in teams is not being used today, so please do not send any messages via chat as it's not being monitored.

00:17:54:26 - 00:18:25:22

If any points in the meeting. You can't hear me. Or panel member and you wish to speak or should you wish to speak, can you please put your hand up? And also examine authority for permission to speak at the appropriate time. If you're an attendee taking part in the hearing, can we ask that you turn your camera on if it's turned off and use the raise hand function in teams. If you do not have the raised hand function, then please ask the examining authority for permission to speak at appropriate time.

00:18:27:15 - 00:19:03:11

Whether you are here in person or joining virtually, there may be some delay before we can acknowledge your wish to speak and apologize if that happens. But we will come to you as quickly as we can. The case team will have explains what to do if you lose your connection. If you're joining online and am able to adjourn the meeting for short periods of time. If any interest in party experiences more than more significant connection problems. If you do lose a connection, use the same link to join as you logged on this morning and the case team will endeavor to reconnect you as soon as possible.

00:19:04:01 - 00:19:12:17

Should you experience any problems with the live streaming? A digital recording of this event will be published on the National Infrastructure website as soon as practicable after the event has ended.

00:19:14:03 - 00:19:50:15

Need to make some general comments with regard to the general data protection regulations and live streaming. So in regard to general data protection regulations and live streaming, would like to make you aware this event is both being live streamed and recorded. The digital recording will be we are making will be retained and published. They form a public record and Cam can contain personal information to which the general data protection regulations apply. The planning Inspectorate's practices to retain and publish these recordings for a period of five years from the Secretary of State's decision on the development consent order.

00:19:51:03 - 00:20:21:08

Consequently, if you are participating in today's issue specific hearing, it is important that you understand that you are being recorded and that you therefore are consenting to the retention and publication of the digital recording. It is very unlikely that the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would actively encourage you not to do that. However, if for some reason you feel that it is necessary to refer to sensitive personal information, we would encourage you to speak to the case team. In the first instance.

00:20:21:10 - 00:20:45:12

We will then explore with you whether the information could be provided in a written format format which may be redacted before being published. Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the project page of the national infrastructure website. Tweets, blogs or similar communications arising out of this meeting will not be accepted as evidence into the examination of this application.

00:20:46:27 - 00:21:07:14

Moving on to the purpose of the hearing. The next point is about substantive matter of the issue specific hearing itself, which is a stacked hearing covering both environmental matters and the draft consent order. To be clear, it's not intended to discuss all aspects related to these matters today. Some aspects are being pursued through rounds of written questions.

00:21:09:28 - 00:21:51:02

Today's issue specific hearing is being held at the request of the examining authority wishes to explore a number of issues aurally in relation to the environmental matters and the draft of consent order. To be clear, we've already held a number of issues specific hearings in relation to these matters and recordings and transcripts of the above mentioned hearings are available on the Under the Documents tab on the project page, using the references 008 through 2013 inclusive in relation to the previous hearing held concerning environmental matters and EV 020 and to 026 inclusive in relation to the previous hearings concerning the draft development consent order.

00:21:52:16 - 00:22:19:10

I would like to remind you that you examine the authorities predominantly. The examining examination process is predominantly a written process. The examining authority is already has already asked a significant number of questions on environmental matters and in relation to the draft event potential in our written questions. Furthermore, as you will have already seen from the examination timetable, there are further rounds of written questions still proposed, which are due to be published on the 15th of August.

00:22:20:26 - 00:23:14:17

The purpose of this examination is for the examiners authority to review the information submitted both by the applicant and also by interested parties and other persons. As a result, we would reassure you that we are familiar with the documentation that you have sent in. So when answering a question, you do not need to repeat at length something you have already submitted. If you want to refer to the information already submitted, I would be very grateful if you could please use the appropriate planning inspectorate examination library reference number. Furthermore, could we please ask that the first time you use an abbreviation or an acronym, could you give the full title as there will be many people here today either watching? In the room or watching on the live stream or listening to the digital recording later that may not be familiar with the application or documents as you are and may not be familiar with those those abbreviations or acronyms.

00:23:15:29 - 00:23:31:11

Whilst we accept that majority of the discussions will be undertaken by those parties that registered speak, this is a public examination and therefore there is a point. If there is a point at which you feel you need to raise your hand, you would like to speak if you raise your hand.

00:23:34:09 - 00:24:09:24

In your if you're in the room or if you're joining virtually use the raise hand function on teams or switch your camera on at relevant time if you wish to contribute and we'll come to you as quickly as we can. The hearing today is a structured discussion which Mr. Shrigley and I will be leading based on the agenda that we've already published. The purpose of the discussion for the examining authorities to ask questions and to seek clarification and on certain environmental matters and matters

concerning the draft development consent order. It's also been undertaken to ensure that we have all the information that we need to report to the Secretary of State.

00:24:09:26 - 00:24:53:27

The questions that we are asking today will be focused on those areas where we need further information or what we think the issues would benefit from the examination or examination orally. We would therefore like to take this opportunity to reassure you that whilst we are not asking specific questions or covering particular topics that you may have been expecting, it's not necessarily that we have that we view these matters as satisfactory, merely indicates that we consider that we have all the information that we need on that particular topic at this time. Finally, we would remind everyone that this is not an enquiry in a formal sense and therefore, unless the examiner specifically requested or agreed to it, there will be no formal presentation of case or cross-examination.

00:24:54:16 - 00:25:35:29

As such, any questions that you may have for the other parties need to be asked through the examining authority. In terms of the conduct and management of this meeting. We are conducting the meeting in accordance with Sections 91 and 94 of the Planning Act 2008 and the infrastructure planning examination procedure Rules 2010 specifically Rule 14 related to procedures at hearings. I would remind you that all that Section 94 894 brackets eight of the 2008 Act allows the examining authority to refuse or allow representations that it may be made at a hearing, including representations made in exercise of an entitlement under section 91 three.

00:25:37:13 - 00:26:08:17

If the examine authority considers the representations are irrelevant, vexatious, frivolous relate to merits of policy set out in a national policy statement. Repeat other representations already made in any form or by any person or represent relate to a compensation for compulsory acquisition of land or the interest in rights over land. Turning to the agenda, Rule 14, two of the examination procedure rules requires at the start of the hearing examiner authority shall identify matters it considers it needs to be considered at the hearing.

00:26:09:06 - 00:26:42:18

As I've already said, the agenda for the hearing was published on the Planning Inspectorate's National Infrastructure Project website on the 14th sorry, on 1st of August 2023. And those are the only matters we are looking to discuss today. We're considering the main aspects for discussion to be in relation to environmental matters. The applicant's change requests biodiversity, including biodiversity, net gain and enhancements and habitat connectivity and surveys, water environments, the Water environment, Water Framework Directive, Landscape and Design Matters and other responses to the Examining Authority's Written Questions Act.

00:26:42:20 - 00:26:43:27

Written questions to.

00:26:45:14 - 00:26:53:04

And in regard to the development consent order. It's a similar format to to the issue specific hearing to which we'll go through.

00:26:55:11 - 00:27:31:09

The relevant changes of the change requests in relation to the development consent order, but then also in relation to articles and schedules of the draft of consent order Schedule two of the draft Develop consent order which relates to requirements. Article 44 of the draft develop consent order, which is the certification of plans. And then finally in relation to consents, licenses and other agreements, please note this agenda is only for guidance. We may add issues for consideration. As we progress, however, we will endeavour to stick to the gender as focused on our discussions.

00:27:31:11 - 00:28:26:21

To focus our discussions. Today, we will seek to allocate sufficient time to each issue to allow proper consideration of them. And should the consideration of the issues take longer than anticipated, it may be necessary to prioritise matters and defer other other elements to written questions. It is important that we get the right answers to the right questions that we are going to ask, and we would reiterate that this is predominantly a written process. Therefore, if you cannot answer the question that you're being asked or require time to get that information requested, then rather than give a restricted or potentially incorrect answer, could you please indicate that you need to respond in writing? We can then defer the response to a later point in time as an action point or to the next round into the next round of written questions, or alternatively, require a response to be submitted at deadline seven, which would be Tuesday 5th of September 2023, or potentially a later point in time.

00:28:26:23 - 00:28:33:07

Although we are conscious that we are within the last six weeks or so of the examination. So time is getting very tight.

00:28:35:08 - 00:29:09:28

Uh, the agenda is quite ambitious. Today we'd highlight the examining authority, may ask questions or make comments as we go through various parts of today's hearings. We'd also be noting any actions arising from the hearings as they emerge at the close of the meeting. We may summarise the action points depending on the amount there are. However, if there are too many, we will endeavour to publish action points as they arise from today's meeting as a hearing as soon as practicable after the event. The assumption is that post hearing actions will be expected at the next deadline, which is deadline seven, the 5th of September.

00:29:10:03 - 00:29:23:08

However, as I say, if there are resourcing issues, then we can potentially delay an action point to a later time. But bearing in mind the close, the amount of time we've got left in the examination is limited

00:29:24:26 - 00:30:01:18

finally to the purpose of identification and for the benefit of those who may be listening to the recording. Can we ask that every point in which you speak, can you please give your name? And if you are representing an organisation or an individual that you specify who that person is that you are representing? Also, please ensure that you speak loudly and clearly and when you're making your submission. Before we move on to deal with the items detailed in the agenda, are there any questions at this stage about the procedural side of today's hearing or the agenda? So in the room, does anybody have any questions? And then online.

00:30:01:20 - 00:30:03:10

Does anybody have any questions?

00:30:05:27 - 00:30:15:06

I'd get no indication from either in the room or online. So I'm going to ask Mr. Shrigley to take us on to Agenda item two, which is the change requests. Thank you for.

00:30:15:08 - 00:30:46:17

Your introductions, Mr. Butler. In accordance with Regulation 14 of the Infrastructure Planning Compulsory Acquisition Regulations 2010, the examining authority is giving opportunity for any additional party or additional affected person as a result of the accepted change requests submitted by the applicant to amend its development consent order to make oral representations on the matters previously discussed at issue specific hearings.

00:30:49:06 - 00:30:50:14

1 to 2.

00:30:52:11 - 00:31:47:22

As part of what I'm saying, I'd also like to acknowledge the range of environmental related matters already discussed at those specific hearings has been publicly available online via the Inspectorate's Project page. In the interim to today's hearing as context, the applicant's consultation report the change request to previously proposed to be sent to the examining authority between deadline six and seven has been received and accepted as an additional submission prior to this hearing and as part of change request to the applicant has proposed the introduction of optionality for the Artemis Brood Crossing and that's DC work number 43, consisting of an alternative option for an embedded pipe bridge.

00:31:48:27 - 00:31:49:12

Um.

00:31:51:27 - 00:32:35:11

This is a proposed to act as an alternative to the applicant's preferred trench crossing of the old term brook and to change the compulsory acquisition sought from subsurface interests only to full acquisition to allow the above ground bridge as a further option in accordance with the circulated agenda. The nature of the brook crossing remains the main topic of substantive environmental discussion today, alongside some aspects of biodiversity net gain, which is also featured as an examination, an examination topic previously.

00:32:35:18 - 00:32:53:10

But before I go directly into discussion on the route crossing that I've described or biodiversity interests. As anybody who wishes to raise anything else outside of the two environmental themes we intend to discuss today.

00:32:54:19 - 00:33:14:15

So just to be clear that does anybody wish to add anything or speak with regard to any of the change requests? That's change. Request one change request two or change request three. At this hearing today, do they wish to make any points or raise any questions?

00:33:17:00 - 00:33:29:28

Okay. Thank you. And there's no indications online either, so I'll move forward. Um, so turning to the water environment and the brute crossing options.

00:33:32:15 - 00:34:12:20

Natural Resources Wales are not attending in person, which Mr. Butler has already referred to. Indeed, they have indicated comments would be submitted by the 8th of August, but the examining authority have not had reasonable opportunity to view any comments made by Natural Resources Wales that may have been received. So many of the hearing questions that I'm going to pose are going to be directed to the applicants team. With that in mind, and also with the caveat that Natural Resources Wales will have access to this recording and they may wish to comment at a later date depending on the outcome of the hearing.

00:34:13:18 - 00:34:50:19

There will also be a third set of written questions issued following this hearing to make sure that all views are clearly expressed because of the overlap in the dates. That said, I'd like to begin by inviting the applicant to recap on its positions and conclusions on the hydro geological impact appraisal of the open cut crossing the Altamira Brook as its preferred option. I'd like to start with that, as is an opening aspect, and then I have some questions as we go on from that.

00:34:53:27 - 00:35:11:06

But all of that. So we were wondering if it would be worth considering doing the two bullet points and the other order with without prejudice. Guess setting the context within which the discussion then happens, but it's only a suggestion. We think that would be helpful. But if not, I'm.

00:35:11:08 - 00:35:19:17

Happy with that order. If you want to introduce that, it is later on in the questions I have. But yes, I'm more than happy to go with that order.

00:35:20:04 - 00:35:21:06

Thank you very much, sir.

00:35:24:17 - 00:35:36:10

Sorry. So the applicants without prejudice cases set out in full and rape 0516 and would only intend to summarize a couple of key points out of that to set the context for today.

00:35:37:26 - 00:36:12:27

So the Water Framework Directive Assessment report 174, we believe demonstrates that the trenched crossing is WFD compliant and that consent can be granted for it. The impaired bridge is very much our fallback position. If you and the Secretary of State was to determine that that crossing is not WFD compliant and that delegation should not be changed for it, x y granted for it. The applicant is confident that the conclusion we have reached in that assessment that the proposal is compliant is correct.

00:36:13:07 - 00:36:47:18

We have reconsidered. That assessment sets out to an appropriate level of certainty that the crossing will not cause deterioration in the status of the quality elements or the overall status of the public water body scale. The core of our concern is that the installation would create a pathway for water to be lost from the brook. We submit that the evidence produced to date shows that the watercourse is gaining, not losing water, and therefore that there is no clear mechanism present which would allow for a loss of flow from the al-Thani brook.

00:36:49:01 - 00:37:14:13

We therefore do not consider the articles or signals engaged, and it is not the case that the environmental objectives of the WFD cannot be met due to carrying out the works for Trenched Crossing. We are, however, very cognizant of the views of and that they do not agree and therefore have put before you without prejudice, derogation, case to seek where it is necessary delegation for the trenched crossing.

00:37:16:12 - 00:37:54:03

In terms of that derogation case. We would note that the construction works themselves are temporary and do not engage Article four seven. It's only the permanent works with long term consequences and therefore the crossing in situ which would engage Article four seven and we Natural Resources Wales kindly copied to us the submission that they submitted earlier this week. We have had the benefit of that and as far as we are aware, there is no disagreement on the first three tests of Article four seven between us. The disagreement is only on the fourth test and therefore, unless it is helpful to you, I was not intending to go through those first three tests in this session.

00:37:55:25 - 00:37:58:19

I do have a question about the temporary

00:38:00:22 - 00:38:02:13

wording within Article

00:38:04:02 - 00:38:05:15

47 that you replied.

00:38:07:04 - 00:38:18:23

There is a small matter there that I'm going to ask a question on, but I'm not asking you to go through through the aspects just now.

00:38:18:25 - 00:38:19:29

The Applicant Thank you, sir.

00:38:22:00 - 00:38:22:15

Um.

00:38:24:16 - 00:38:53:27

Moving on that we we we do not accept that there would be deterioration. However, if it was to be found at the where we submit that that would be outweighed by the need for this development as a whole and the very substantial policy support demonstrating the overall public benefit of the project and importantly is contribute its contribution to achieving net zero. We would refer to the need case set out in the needs case at 049 and the policy support set out in the planning statement. 4022.

00:38:55:29 - 00:39:04:05

We consider that the documentation produced demonstrates the benefits of the pipeline would substantially outweigh the impacts of the crossing at the water body scale.

00:39:07:24 - 00:39:33:27

We do not agree that there is a significantly better environmental option available and we did not. We consider that the dedication case submitted demonstrates that the encased pipe bridge would not be a significantly better environmental option. We are provided both a bespoke alternative route crossing options report, which is 3039 and an assessment of the Pipe Ridge option, which is Cr2 017.

00:39:36:09 - 00:39:41:28

We do not accept that that would be significantly better under articles 470.

00:39:44:25 - 00:39:52:06

We accept that it's not ruled out on technical feasibility or disproportionately costly and that this is an argument about the environmental impact.

00:39:54:13 - 00:40:11:28

We would note in that regard that in line with industry best practice. Our current proposal is that the pipeline would remain in situ at the end of its life, having been made safe and therefore not be removed. If it was in a trench, it would be decommissioned and made an effort and maintained

00:40:13:13 - 00:40:19:27

the need to decommission an empty pipe bridge would have further temporary and localized impacts.

00:40:22:04 - 00:40:28:08

That laws would be similar, in effect to construction, including removing planting that had been put in place. Post-construction.

00:40:31:04 - 00:40:38:27

And we consider it would have much more of an environmental impact at the decommissioning stage than our trench proposal.

00:40:45:05 - 00:40:45:20

Um,

00:40:47:04 - 00:40:48:13

we are. Therefore.

00:40:49:01 - 00:41:07:23

Our position remains that the transit option is not compliant and consent can be granted if you determine that it is not. We are seeking delegation for that and the pipe bridge option is very much only there as sort of our ultimate fallback should the trenched option be completely unacceptable under both those plans.

00:41:22:08 - 00:41:24:14

Does that complete your point you wish to make?

00:41:24:24 - 00:41:25:10

Yes, sir.

00:41:26:03 - 00:41:26:19

Thank you.

00:41:30:27 - 00:41:37:26

It's a shame that Natural Resources Wales aren't here in person for me to pose the questions to. But.

00:41:40:04 - 00:42:08:02

What I'd like to pose to the applicant is about the risk level that Natural Resources Wales. And raising and. Get given their responses today, accepting that the one on the anticipated for the 8th of August wasn't as it hasn't been seen yet by the panel. What I'd like to ask is why does in the applicant's view.

00:42:12:00 - 00:42:18:02

Why does Natural Resources Wales advise that the risk level is unacceptable?

00:42:20:11 - 00:42:27:24

I hear what you're saying. You're saying that you would be compliant and you've referred to several aspects. But.

00:42:30:19 - 00:42:45:23

In the applicants view, what level of risk is there in relation to the open court method? Are you saying there's no risk or some risk or what? What is your sort of general view of that?

00:42:50:16 - 00:42:56:22

John Chapman on behalf of the applicant, we believe that it's very low risk. The approach.

00:42:58:04 - 00:43:05:15

So accepting that there is some risk that sadly, there is some risk. You still maintain the case that you would be

00:43:07:14 - 00:43:08:06

compliant.

00:43:08:29 - 00:43:11:03

Don't show on her behalf? Yes, that's correct.

00:43:12:09 - 00:43:28:28

So again, in relation to risk risk levels. Is it the applicant's view that the Natural Resources Wales are assessing this and wrongly in terms of the level of risk?

00:43:30:12 - 00:43:33:04

Don't jump. Yes, that's correct.

00:43:35:28 - 00:44:18:24

And Helen Parsons for the applicant may. Also had that themselves stated that their objection is based on a hypothetical worst case scenario and we're supposed to do objective assessment and under directives there is no requirement to demonstrate absolute certainty in our assessments and just reiterate their position is a worst case scenario. But in our you also acknowledge that the fracture flows are discontinuous in this location, in which case even if a unsaturated fracture was encountered, once that fracture became full, then the continuous flow of the stream would resume.

00:44:18:28 - 00:44:52:00

So even in a worst case scenario, there would only be a short term and temporary impact to the Army brook and therefore the Brook water body and under Water Framework Directive, the short term temporary impacts would not constitute deteriorate in the permanent sense. And therefore this is very low risk and a very worst case scenario that in our view of presenting, may also add that during the preparation of the application, we had numerous consultation meetings with A.W.

00:44:52:02 - 00:45:27:26

in relation to this specific subject, the trench crossing, and during those consultation meetings, at no point did and RW raised this objection relating to Hydrogeological impacts. So if this really was a big significant issue, then logically they would have brought that up at the pre submission stage. But instead their only objection at pre-submission was that they did not want a cut through bedrock. When we questioned them on the reasons why, they presented an example of where consent was not granted for cutting through a waterfall to enable fish passage.

00:45:27:28 - 00:45:55:14

But waterfall is a natural barrier to fish passage, so we did not consider that a valid reason for them objecting for this scheme. We did not see the relevance and there was no legal basis for them to be objecting, just purely because they didn't want the cut through bedrock. The hydrogeological impacts issues only arose at 1071 that raised it. Deadline one That was the first we heard of those objections.

00:45:59:29 - 00:46:05:26

And you you mentioned various aspects there, and I've noted all of those, but.

00:46:08:20 - 00:46:31:10

You're also saying that whilst accepting there is some risk and its worst case scenario and you've made your assessments clear, what I need to understand with with clarity is natural resources. Wales seem to be assessing it in a way where they're asking for the issue to be put beyond any reasonable doubt. And

00:46:33:00 - 00:46:58:11

you know, it borders on the scientific evidence side, the side of things. And so. Given what you just told me, it is the applicant's understanding that they don't have to go to that level of detail to put the

issue beyond any reasonable doubt. Is that what you're you're the case you're making you're accepting that there's some risk, but you don't have to go that far with it.

00:47:25:12 - 00:47:35:26

Helen Parsons. For the applicant, A.W. is presenting a purely hypothetical worst case risk here, and they have no evidence to substantiate that risk. And

00:47:38:08 - 00:47:50:22

we do not believe that we need to be going to that level of hypothetical scenario testing for demonstrating our compliance with the directive and directives do not require that level of absolute certainty in the determination either.

00:47:52:19 - 00:48:07:19

Understood. Thank you. I'd like to discuss the mitigation a little bit now about the cut crossing and and have considered that and our initial response is received to date.

00:48:10:02 - 00:48:21:06

And it seems to be the case that the rejecting grout filling is a way of maintaining successful compliance.

00:48:25:01 - 00:48:42:09

Can I just ask for clarity? The applicants view of grout failing as a is a successful mitigation measure and and what experience it has of undertaking such mitigation and ensuring the success of that.

00:48:43:29 - 00:48:45:15

John Chapman On behalf of the applicant.

00:48:47:05 - 00:49:19:06

So the applicant would sort of, if not here, draw them to the attention that there's a variety of established methods routinely employed to control groundwater flow in fissured bedrock in construction projects. There's British standards associated with this which apply to it, such as the 127515 2020 execution of special geotechnical work and grouting. This provides information on various methods of grouting, the execution of it, monitoring and testing.

00:49:20:01 - 00:49:59:24

The approach to grouting, if required, will be developed by a specialist, competent contractor which would be appointed by the applicant. But in principle, any grouting of fractures would be done through injection, under pressure with specific procedures and controls and grout uptake and losses. It's very likely in the long term, as the grout effectively modifies the grout conditions to prevent flow within any fissures or fractures in the grout zone. So that's with regards to any washout of growth is very unlikely because the grout would be essentially buried beneath the concrete structure which forms a cover to the to the pipeline.

00:50:00:28 - 00:50:05:00

So all frontiers would be would be sealed and buried. Preventing flawless.

00:50:06:27 - 00:50:30:02

So so you've explained quite clearly that what would be undertaken. But from experience, what is that the industry standard? I mean, you did mention British standards as part of what you were discussing. But in terms of the measures of success of the mitigation, is that an industry level.

00:50:31:17 - 00:50:32:13

On behalf of the.

00:50:35:25 - 00:50:42:20

Yes, there are examples of where this has been carried out successfully and undertaken and past examples.

00:50:44:10 - 00:50:45:16

Okay. So.

00:50:47:12 - 00:51:18:10

I'm again, I'm going to have to talk about various other aspects. I'll just quickly now pose a question about the baseline data for the preferred option, the open court method. And I'll just have a question in relation to the other borehole data that natural resources and whales is referred to and some of the correspondence, there does appear to be a criticism there that it could have been a wider assessment made taking into account more borehole information.

00:51:19:13 - 00:51:22:11

Can I ask the applicant's views on.

00:51:24:15 - 00:51:40:20

Why it didn't do certain things. And did the applicant attempt to make any formal access requests to widen its baseline data in the hydrological hydrogeological ground conditions that we're discussing now?

00:51:44:18 - 00:52:15:19

Upon for the applicant. We did seek to do some ground investigation in this location. We did it through agreement by the landowner, which was withdrawn shortly before the campaign was due to start, which landowners entitled to do. But given the timing of that and we didn't of the project, was not keen, first of all to go and use, for example, Section 172 powers to access land or landowners in situations where they had been working with us. And secondly, the campaign was very close to being ready to go.

00:52:15:21 - 00:52:43:29

We didn't have time with the works that were already procured and ready to go to serve those notices and go back to that location. So in any case, the that we had planned to do in that location would not have given the level of information in our currently seeking. It would not have gone into the level of detail up and down the brick and the number of boreholes that we would have to have done to give the detail that we would need to answer all your queries at that stage.

00:52:44:08 - 00:52:44:25

Understood.

00:52:44:27 - 00:52:53:18

That clarifies. So basically there's a proportionality aspect going on in relation to the baseline data, is that right?

00:52:54:12 - 00:53:05:04

Well, yes, sir, that's correct. And we just wanted to confirm when we're talking about are we just talking about did you want to talk about the borehole data that is referred to by both us as well?

00:53:05:12 - 00:53:07:03

I'd like to cover both of possible.

00:53:09:25 - 00:53:42:12

John Shelton on behalf of the applicant. So with regards to the historic borehole records and I guess the the concerns raised by natural resource as well as with regards to those. So there are several boreholes at the which were installed for the A55 as part of the site investigation in the 1970s, which we referred to in the the five of those boreholes were showing a very shallow groundwater level upon completion.

00:53:42:15 - 00:53:55:09

And there was one borehole record which indicated that it was dry, but this was only one reading. Was there a five other boreholes indicating that there was a very shallow water table? Um.

00:53:58:17 - 00:54:06:15

So because it was only one reading. There's some question over the validity of a single reading which were pointing out.

00:54:11:05 - 00:54:11:26

There must.

00:54:14:07 - 00:54:26:14

And also in consultation at meetings that Natural Resources Wales agreed on the proximity of the nearby borehole records that it was applicable to the preferred crossing location.

00:54:28:24 - 00:55:13:10

So in relation to those borehole testing points that you've taken me through. My understanding is that Natural Resources Wales, even though you've had discussions and you've explained various aspects, I acknowledge those. But understanding is natural resources. Wales is still pointing to additional hold areas that you've discounted, perhaps on proportionality grounds, but am not clear on that. There was a the response earlier from from your colleague, but could you just explain a little bit more why you've discounted other boreholes in more detail and the reasons the specific reasons for that?

00:55:18:03 - 00:55:34:29

We did not consider that boreholes outside of that 500 metre radius as agreed would be applicable to the preferred crossing location because the conditions hydrogeological conditions would be more likely to be not representative of that crossing location.

00:55:43:29 - 00:55:44:22

Okay. I'd like.

00:55:44:24 - 00:55:45:09

To.

00:55:47:04 - 00:56:12:01

Talk about the existing physical features that are already in situ, if I may as well. And I've got a few questions about those. It is mentioned in correspondence by think all parties or both both the applicant and Natural Resources Wales, that there is a culvert installed as part of the historic A55 works.

00:56:13:23 - 00:56:28:15

And the question from the panel really is. Would the culvert works have faced the same water framework directive issues as we're now going through now?

00:56:34:03 - 00:56:46:06

It might be something that you can't answer here and now. If that's the case, mean we can defer it. But I'd just like to try and bottom that out a little bit. Possible.

00:56:46:22 - 00:57:20:11

Helen Parsons for the applicant. When the A55 was constructed, the Water Framework Directive didn't exist at the time, so there would not have been the same environmental tests for the installation of that culvert. But it's all the same. The same impact would have been around, you know, in terms of the environmental impacts of the installation of that culvert compared to what we're dealing with here in terms of any disturbance to the bedrock and potential risk of loss of water. And there's no evidence that there's been any loss of water as a result of the installation of that culvert crossing.

00:57:22:08 - 00:57:36:28

And again, I'm not sure if you have a detailed understanding of the construction of the culvert, but would it be using similar engineering practices in relation to the.

00:57:38:29 - 00:57:52:13

Or would you. I'll pose it the other way, actually. But the open trench cutting method and use similar construction methods to to the culvert.

00:57:58:06 - 00:57:58:27

Broadly.

00:58:11:20 - 00:58:38:25

Helen Parsons. For the applicants, the key difference is that the structure is above ground and that installation is going to be below ground. However, there would have still been some disturbance to the bedrock for the installation of the culvert crossing with the culvert crossing the bay. Additional implications for the water environment, such as fish passage and invertebrates. So there would have been wider environmental impacts due to the Corbett crossing that aren't relevant to our trench crossing.

00:58:40:17 - 00:58:41:16

Understood. Thank you.

00:58:44:05 - 00:58:49:01

I'll just return to my notes a second. I do have a few more questions. Just bear with me a second.

00:59:18:07 - 00:59:35:18

Turning to design measures now in relation to the preferred crossing design and also the alternative option. Can the applicant give a short account of any good design measures incorporated into the scheme design,

00:59:37:29 - 00:59:53:13

particularly for the above ground aspects of the incase bridge proposals? If that was considered the the most suitable option at Secretary of State level of decision making.

00:59:55:22 - 01:00:41:02

On behalf of the applicant. So if the embedded pipe bridge solution is ultimately required to cross the brook, then the design would be primarily engineering and safety led. The bridge would need to be sited and designed in such a way as to meet the functional requirements of the CO2 pipeline and also minimize the safety risks of an aboveground pipeline crossing. So in the preliminary design submitted as part of the change request to the pipeline is the CO2 pipeline is surrounded by backfill material, sand or soil and encased within a concrete structure that's to protect it from external corrosion mechanisms and to protect it from any third party interference and or vandalism.

01:00:42:00 - 01:00:54:25

It's also to minimize the amount of periodic maintenance required across its operating life, because the bridge would be located in this steep gorge with no established means of access.

01:00:56:12 - 01:01:04:22

It would also likely require features such as fencing or handrails to protect it from or protect personnel and the public.

01:01:06:18 - 01:01:15:19

It would also need to be a design to have a freeboard that wouldn't create any risk or any worsening of flooding risks within the gorge.

01:01:18:08 - 01:01:52:27

All of that said, the preliminary design, submitted as part of the change request, remains conservative and would be refined at detailed design based on detailed topography, surveys, ground investigation, environmental surveys, and flood risk modeling. If the as long as the functional and engineering and safety requirements of the bridge can be met, then the final alignment of the bridge would be chosen so as to minimize the size of the structure and any associated environmental impacts, including visual.

01:01:53:22 - 01:02:04:04

That said, we do believe that given the bridge will be located in a deep gorge with tree cover, it would not result in any significant visual impacts to the surrounding landscape.

01:02:07:16 - 01:02:09:00

Mr. Butler has a question.

01:02:10:27 - 01:02:14:00

My understanding is on the the far side of the brook

01:02:15:18 - 01:02:41:18

or the brook, there's a footpath that needs diverting. If the case line, embedded case pipeline bridge is required, Um, have you considered the the impact from that footpath? I mean, I know you only, you, you only proposed the pipeline bridge, um, at a subsequent change request. So it's relatively new that.

01:02:44:02 - 01:02:47:05

I was just wondering what impact there would be from that footpath.

01:02:49:02 - 01:02:58:15

Accident on behalf of the applicant. We have included the diversion of the footpath in the change request as a

01:03:00:07 - 01:03:24:19

as well. It's a conservative approach. We believe that if if we can microsite the bridge a detailed design to minimise its size, we would not require a diversion set footpath and if it were to be required, it would be very minor in nature, simply passing around the embankment, likely on the side where the clearing is.

01:03:26:15 - 01:03:58:10

I think my question was more with regard to how much visual impact would occur as a result of the bridge, because it's an engineering led structure effectively. So it's a bit like a culvert, as you can see in front of you on the plain. On the visual things, it's a it's an engineering solution that doesn't particularly count, taking into account the the visual impact it has on on the book itself, when viewed from a public vantage point, which would be the footpath. So to have you considered that element.

01:03:58:12 - 01:04:05:25

Yeah. Or is it just purely this is an engineering design solution with no consideration of visual impact at all.

01:04:08:08 - 01:04:19:12

For the applicant. We did consider that in the environmental information to support the change requester would need to check the references and the conclusions of that. Don't have that to hand and we could certainly follow up in writing.

01:04:20:05 - 01:04:34:23

That's that's fine. I'm happy for you to draw my attention to the relevant sections in your your environmental statement. And indeed I would have read it in the past, which is that there's so much information you. Need reminding once in a while. So. Thank you very much.

01:04:41:21 - 01:04:47:15

I've still got a number of questions here, so I'm going to go through them one by one.

01:04:49:25 - 01:04:55:14

No reference is made to piling in the environmental statement. Chapter three

01:04:57:15 - 01:04:59:22

and I'm just double checking with the applicants.

01:05:01:10 - 01:05:09:04

Is any piling required for the new work number? That's 43, the embedded Pipe Bridge.

01:05:10:20 - 01:05:17:05

Just seeking clarity on that, give it given that it might be tweaks and changes to the design as you go forward.

01:05:24:17 - 01:05:42:14

For the applicant. We need to check the exact wording. We are recollection is the change request to say that depending on the grant investigation, it's a possibility, but it would be outside the watercourse. So it would be outside the watercourse bedrock area. Again, I'm happy to find the reference for that and follow up.

01:05:43:14 - 01:05:56:17

Yeah, I think I recall the reference you're referring to. So, so in relation to piling, it would be it would only be undertaken if it was absolutely necessary. Yeah. So. Right.

01:05:59:24 - 01:06:02:01

So that's on behalf of the applicant. Yes, that's correct.

01:06:06:05 - 01:06:20:15

And I know that the coal authority who aren't being represented today, they did comment on the documents Cr2 RR 001

01:06:23:05 - 01:06:56:24

and it remains their recommendation that the measures proposed within the submitted coal mining risk assessment prepared by the UK limited to address the risks posed by the development by past coal mining activity are included as requirements of any order granted in the applicant has specified that the change request not revolted its original assessments or recommendations contained with the coal mining risk assessment on changes.

01:06:56:26 - 01:07:13:23

And I'd just like to ask the applicant to clarify is that the case? That's definitely the case. The coal mining risk assessment information doesn't need to be calibrated or changed anyway if the second option was up taken.

01:07:19:11 - 01:07:25:16

Excellency on behalf of the applicant. That is correct. The embedded pipeline bridge would not change the requirements.

01:07:33:02 - 01:08:03:23

Okay. Just one one other question now on water framework directive elements, the interpretation or the applicant's interpretation of temporary deterioration in the Directive, the associated regulation to that, it is an important issue and the examining authority will be interested to know whether Natural Resources Wales support the same interpretation.

01:08:04:23 - 01:08:42:00

Of of that when applying the directive in relation to the derogation case made. I'm not going to go into the. Detail of that here and now in the area. I think it probably needs to be if it does need to be expanded further, I think that needs to be done in writing, but would put it to the applicant's team. Are they satisfied with how they have interpreted the meaning of temporary deterioration and assessing all of its proposals?

01:09:30:29 - 01:09:46:15

Helena Parsons for the applicant. Typically with these infrastructure projects. We use a cutoff point of around six months for temporary impacts, and the temporary works for the trench crossing of the brook will certainly be done in a much shorter timescale than six months.

01:09:53:07 - 01:09:59:22

And how quickly would you imagine that in reality, as a broad figure, I mean, you say less than six months, but.

01:10:01:19 - 01:10:05:13

Is it likely to be several months or weeks?

01:10:18:27 - 01:10:26:02

I'll make you do for that. We would like to check and come back to you and writing so we can't remember the exact figure we assessed for the worst case in this location.

01:10:26:13 - 01:10:27:21

Understood. Yeah. Thank you.

01:10:36:19 - 01:11:12:19

Um, and I've got a question now for Flintshire County Council in relation to all of these proposals, what would have been evidenced by the applicant team? There is a wider argument to say, well, what is the best environmental solution, if you like, for the crossing? And I'd like to ask Flintshire County Council's views and what they perceive as the best environmental solution, taking into account the issues with the Water Framework Directive or any visual aspects,

01:11:14:06 - 01:11:21:23

I'd like to pose that question to and whether or not they have a preference or are they deferring to the statutory consultee.

01:11:23:28 - 01:11:30:17

Thank you. Hannah Parish. County Council. So ultimately the Water Framework Directive elements will need to we would seek

01:11:32:03 - 01:12:03:04

and I'd be lead on that. But in terms of a visual impact, the lesser infrastructure, the better really from that point of view. And in terms of the impact on the public right of way and therefore the initial the less an engineering option, it wouldn't require the right of way diversion and would be less visually intrusive, but equally understand the conflicts there with regards to the the issues that you are raising.

01:12:03:06 - 01:12:09:23

But with that, we would seek that we would seek that advice on that matter with the experts in that field.

01:12:11:15 - 01:12:30:24

So given that response, I take it you you're not set in which crossing method would would be the best one, is that right? Or you're you're basically leaving it open given the certain unknown elements to it?

01:12:31:11 - 01:13:01:28

Hannah Parish County Council. Yes, I'm afraid so. You know, I can see the conflicting elements of this, um, given the proximity to visual receptors, however, given the cutting, the deep cutting, there's very limited visual receptors. And I don't know how frequent that footpaths are used. Um, it is very, very deep down in the, in the valley there.

01:13:03:12 - 01:13:15:13

So again, if you are of the view that option, the option presented in change request to is a lesser environmental harm and obviously we would, we would

01:13:18:22 - 01:13:40:27

with sort of like we would reserve the comments for them at the end of the day because they're the experts in that field. And you know, being mindful of the fact that there are very little visual receptors, it would be, well, we would go on this or what? What's the more environmental harm in that respect? Um, sorry. I'm sitting on the fence.

01:13:49:03 - 01:13:49:21

Okay.

01:13:51:05 - 01:13:59:21

I don't have any further questions on the on the brook aspect. Um, I do have a couple of questions about, um.

01:14:02:05 - 01:14:04:28

Well, just for clarity, really. Um.

01:14:07:04 - 01:14:10:26

Apologies, sir. Before you move on, could we possibly just respond to that last point?

01:14:10:28 - 01:14:14:29

Apologies. Yes. Yes. I was going to invite you to just refer to my notes. Yeah.

01:14:16:04 - 01:14:44:09

And for the applicant. We are slightly uncomfortable with the use of the word best, the wording and the watery primitivism. Significantly better environmental option is not best. I also have the

references for you that we said that I'm writing. My team has managed to find them in the last couple of minutes. So the addendum to On Landscape and visual is document 2017 and it's section 2.6 within that document.

01:14:46:06 - 01:14:47:25

Sorry, can you just repeat that again?

01:14:47:27 - 01:14:56:24

So yes. Addendum two which is document reference. CR 2017 at Section 2.6.

01:14:58:23 - 01:15:11:20

And the piling references in the same document at section 2.1, point 13, 2.2.7 and Table 2.3.

01:15:21:16 - 01:15:24:00

Okay. Is there anything further you'd like to address?

01:15:24:26 - 01:15:25:19

No, thank you, sir.

01:15:26:03 - 01:15:26:18

Thank you.

01:15:36:17 - 01:15:50:20

Okay. It seems to be the case that the derogation assessment has been incorporated into the, um, the reac, but some of the factors that it may trigger

01:15:52:05 - 01:15:52:26

in terms of.

01:15:54:24 - 01:16:02:05

Mitigation measures. When say, derogation case mean the nature of the change request that we've covered.

01:16:05:20 - 01:16:11:02

Kind of just chat with the applicants. Are they content that all relevant documents

01:16:12:17 - 01:16:16:29

are included within the reac that it needs to include?

01:16:24:01 - 01:16:34:27

Paul McCartney for the applicant? Yes, sir. We've added everything from every change request into the react at the moment, including the optionality at the time. So the measures for both options would be in there at the moment.

01:16:35:12 - 01:16:35:27

Okay.

01:16:49:20 - 01:17:13:17

Okay. I think that completes my my questions on the the route crossing. I'm conscious that we're approaching 11:00. Might be a good time to close for a refreshment break. I was going to pick up on biodiversity interests after that and the applicant team would like to see something.

01:17:14:12 - 01:17:21:08

Apologies. So there was a third bullet point about how this is secured. I didn't know if you wanted to cover that before we moved on or if you're not content.

01:17:22:23 - 01:17:49:25

There is an aspect to that. I'm conscious that it's a stacked hearing, and my colleague Mr. Butler, might well have questions on the side of the equation. We do have questions on that and so think that might be best left until after lunch or around lunchtime. But if you want to make a submission on that now, we will take it into account.

01:17:50:06 - 01:17:50:24

I'm happy to.

01:17:50:26 - 01:18:01:25

Take it now actually, because it's fresh in our minds. So. So if you wanted to make your point now and then, if need any further questions on it, I can pick it up during the aspect of the hearing later.

01:18:04:29 - 01:18:36:22

Thank you. So the only point that we wanted to bring up under this point is at the moment and everything is in the almost as optionality, partly because we didn't want to create parallel documents and we felt that would be quite confusing. And in terms of the bill that this is, how is that secured? And the suggestion is, given that where we now are in the process that we would put before you at deadline seven two alternative versions of the one for a trenched crossing and one for an embedded paper option so that you have both of those before you.

01:18:36:24 - 01:18:44:03

We've been avoiding doing that to date, given how many revisions were already in circulation, but we are obviously very happy to do whatever was easiest for you.

01:18:45:08 - 01:18:53:23

I do have. A request for the hearing where was proposing that you do three options, the one you have at the moment.

01:18:55:08 - 01:19:12:28

The the embedded pipeline crossing and then the trench crossing. So there's the the availability of all three options. Um, because at the moment you use the optionality and you can jump between the two if you need to. Um, whereas.

01:19:15:12 - 01:19:27:21

Suppose it doesn't really make any difference because then you can just choose which one is the most appropriate one to recommend to the Secretary of State. So. So the two options is adequate. So it would cover and cover both. So.

01:19:28:18 - 01:19:29:17

Does that make sense.

01:19:31:05 - 01:19:43:10

For the applicant? Yes, sir. Think. Think. There might be a way of doing this where we do a comparison between them so that there's a sort of almost a track change of what we change as well. So you've got two clean versions and the track change version, would that be useful?

01:19:43:12 - 01:19:54:17

That would be very helpful because obviously we have to work out where where the alterations are taking place within between the two documents and make sure that we've covered every aspect. So thank you.

01:19:59:20 - 01:20:09:15

And so information to come in on that aspect in terms of the DCO and how it relates to that. Given what you've said,

01:20:11:11 - 01:20:41:09

it is late in the process for the examining authority to issue its recommended version of the which, which I'm sure you can appreciate given the change requests. So it's good to know that you will be handling it in that way. And are there any other outstanding water environment elements anybody else wants to raise? I'm going to look to close just for an adjournment. Just. Just.

01:20:42:29 - 01:20:44:05

Uh, yeah, Mr. Butler.

01:20:45:08 - 01:21:23:08

Thank you. Um, just to be clear to any parties in the room that aren't familiar with the process, when we talk about the the draft development consent order, we are required as part of our recommendation whether we recommend to the Secretary of State to make the order or not make the order. We are required to provide a recommended version of the DCO, the development consent order to the Secretary of State. Um, that way, regardless of our recommendation, he has has the options in front of him off of a discussed version of the the audit should that Secretary of State wish to make it so.

01:21:23:16 - 01:22:00:15

It doesn't indicate that we accept that the project is acceptable and it is seen as good practice on all development consent orders and indeed on all planning appeals. Um, that you look at what requirements or conditions you would impose should the appeal be successful. So just the very nature of us discussing the development consent order does not indicate that we accept that the the order should be made or indeed influenced the recommendation that we will be making.

01:22:00:17 - 01:22:24:00

So I just wanted to make that clear to everybody in the room that just because we're discussing it doesn't indicate that it it means that we will be making a recommendation one way or the other to the secretary of state. And it doesn't prejudice the examining authority in any way in terms of how we move forward with the recommendation report that we that we provide to the secretary of state.

01:22:24:20 - 01:22:25:05

Thank you.

01:22:25:07 - 01:22:26:01

Matt. Do you want to adjourn?

01:22:28:13 - 01:22:39:14

Yeah, it seems a sensible time to have an adjournment. So proposing we reconvene in 50 minutes time. So the hearing is adjourned. Thank you.